



State Administration Council

**Wednesday, March 29, 2006
1:00 PM – 2:30 PM
Morris Hall (17 HOB)**

COUNCIL ACTION

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Donald Brown (Chair)	X		
Sandra Adams	X		
Ellyn Setnor Bogdanoff	X		
Mary Brandenburg	X		
Audrey Gibson	X		
Wilbert Holloway	X		
Stan Jordan	X		
Ron Reagan	X		
David Rivera	X		
Totals:	9	0	0

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 61 CS : Postsentencing Testing of DNA Evidence

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

DNA Evidence

Hank Coxé - Proponent

The Florida Bar

651 E. Jefferson St.

Tallahassee FL 32301

Phone: 561-5600

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 125 CS : Voter Registration

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan			X		
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 573 : Disabled Veterans

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HJR 631 CS : World War II Permanently Disabled Veterans' Discount on Homestead Ad Valorem Tax

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 687 CS : Public Records

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg		X			
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 1			

Appearances:

PR/Concealed Weapons

David C. McInnes, Legislative Affairs Director (Lobbyist) (State Employee) - Proponent

Fla. Dept. of Agriculture & Consumer Services

The Capitol, PL 10

Tallahassee FL 32399

Phone: 488-3022

PR/Concealed Weapons

Marion Hammer (Lobbyist) - Proponent

NRA and Unified Sportsmen of Florida

P.O. Box 1387

Tallahassee FL 32302

Phone: 222-9518

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1059 : Deduction and Collection of a Bargaining Agent's Dues and Uniform Assessments

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg		X			
Audrey Gibson		X			
Wilbert Holloway		X			
Stan Jordan		X			
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 5 Total Nays: 4					

Appearances:

Bargaining Agent's Dues

Ron Meyer, Attorney (Lobbyist) - Opponent

Florida Education Association

P.O. Box 1547

Tallahassee FL 32302

Phone: 850-878-5212

Bargaining Agent's Dues

Peter Dyga, VP Government Affairs (Lobbyist) - Proponent

ABC

#200 3730 Coconut Creek Pkwy

Coconut Creek FL 33066

Phone: 954-984-0075

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1145 : Official State Designations

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan			X		
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7045 : Review under the Open Government Sunset Review Act regarding Supplemental Rebate Agreements

☒ *Temporarily Deferred*

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7047 : Review under the Open Government Sunset Review Act regarding the Tobacco Settlement Agreement

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

**HB 7049 : Review under the Open Government Sunset Review Act regarding the Florida Surplus
Lines Service Office**

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8 Total Nays: 0					

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7061 : Review under the Open Government Sunset Review Act regarding Deferred
Presentment Providers

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7063 : Review under the Open Government Sunset Review Act regarding the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7115 : Review under the Open Government Sunset Review Act regarding Autopsy Photographs and Video and Audio Recordings

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson		X			
Wilbert Holloway		X			
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 6		Total Nays: 2			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HJR 7143 : Rules of Construction

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg		X			
Audrey Gibson		X			
Wilbert Holloway		X			
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 5		Total Nays: 3			

Appearances:

Rules of Construction

Ron Meyer (Lobbyist) - Opponent

Florida Education Association

P.O. Box 1547

Tallahassee FL 32302

Phone: 850-878-5212

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 7161 : Public Records Exemption for Alternative Investments

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams			X		
Ellyn Setnor Bogdanoff	X				
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan	X				
Ron Reagan	X				
David Rivera	X				
Donald Brown (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

COUNCIL MEETING REPORT

State Administration Council

3/29/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Summary:

State Administration Council

Wednesday March 29, 2006 01:00 pm

HB 61 CS	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 125 CS	Favorable	Yeas: 8	Nays: 0
HB 573	Favorable	Yeas: 8	Nays: 0
HJR 631 CS	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 687 CS	Favorable With Committee Substitute	Yeas: 8	Nays: 1
HB 1059	Favorable	Yeas: 5	Nays: 4
HB 1145	Favorable With Committee Substitute	Yeas: 8	Nays: 0
HB 7045	Temporarily Deferred		
HB 7047	Favorable	Yeas: 8	Nays: 0
HB 7049	Favorable	Yeas: 8	Nays: 0
HB 7061	Favorable	Yeas: 8	Nays: 0
HB 7063	Favorable	Yeas: 8	Nays: 0
HB 7115	Favorable	Yeas: 6	Nays: 2
HJR 7143	Favorable	Yeas: 5	Nays: 3
HB 7161	Favorable With Committee Substitute	Yeas: 8	Nays: 0

Committee meeting was reported out: Wednesday, March 29, 2006 4:48:06PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 61 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: State Administration Council
Representative(s) Quinones and Bogdanoff offered the
following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 925.11, Florida Statutes, is amended to
read:

925.11 Postsentencing DNA testing.--

(1) PETITION FOR EXAMINATION.--

(a) 1. A person who has been tried and found guilty of
committing a felony ~~crime~~ and has been sentenced by a court
established by the laws of this state may petition that court to
order the examination of physical evidence collected at the time
of the investigation of the crime for which he or she has been
sentenced which may contain DNA (deoxyribonucleic acid) and
which would exonerate that person ~~or mitigate the sentence that~~
~~person received.~~

2. A person who has entered a plea of guilty or no
contest to a felony prior to July 1, 2006, and has been
sentenced by a court established by the laws of this state may

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 petition that court to order the examination of physical
23 evidence collected at the time of the investigation of the crime
24 for which he or she has been sentenced which may contain DNA
25 (deoxyribonucleic acid) and which would exonerate that person.

26 (b) A petition for postconviction DNA testing under
27 paragraph (a) may be filed or considered at any time following
28 the date that the judgment and sentence in the case becomes
29 final. Except as provided in subparagraph 2., a petition for
30 postsentencing DNA testing may be filed or considered:

31 ~~1. Within 4 years following the date that the judgment and~~
32 ~~sentence in the case becomes final if no direct appeal is taken,~~
33 ~~within 4 years following the date that the conviction is~~
34 ~~affirmed on direct appeal if an appeal is taken, within 4 years~~
35 ~~following the date that collateral counsel is appointed or~~
36 ~~retained subsequent to the conviction being affirmed on direct~~
37 ~~appeal in a capital case, or by October 1, 2005, whichever~~
38 ~~occurs later; or~~

39 ~~2. At any time if the facts on which the petition is~~
40 ~~predicated were unknown to the petitioner or the petitioner's~~
41 ~~attorney and could not have been ascertained by the exercise of~~
42 ~~due diligence.~~

43 (2) METHOD FOR SEEKING POSTSENTENCING DNA TESTING.--

44 (a) The petition for postsentencing DNA testing must be
45 made under oath by the sentenced defendant and must include the
46 following:

47 1. A statement of the facts relied on in support of the
48 petition, including a description of the physical evidence
49 containing DNA to be tested and, if known, the present location
50 or the last known location of the evidence and how it was
51 originally obtained;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

52 2. A statement that the evidence was not previously tested
53 for DNA or a statement that the results of any previous DNA
54 testing were inconclusive and that subsequent scientific
55 developments in DNA testing techniques would likely produce a
56 definitive result establishing that the petitioner is not the
57 person who committed the crime;

58 3. A statement that the sentenced defendant is innocent
59 and how the DNA testing requested by the petition will exonerate
60 the defendant of the crime for which the defendant was sentenced
61 ~~or will mitigate the sentence received by the defendant for that~~
62 ~~crime;~~

63 4. A statement that identification of the defendant is a
64 genuinely disputed issue in the case, and why it is an issue;

65 5. Any other facts relevant to the petition; and

66 6. A certificate that a copy of the petition has been
67 served on the prosecuting authority.

68 (b) Upon receiving the petition, the clerk of the court
69 shall file it and deliver the court file to the assigned judge.

70 (c) The court shall review the petition and deny it if it
71 is insufficient. If the petition is sufficient, the prosecuting
72 authority shall be ordered to respond to the petition within 30
73 days.

74 (d) Upon receiving the response of the prosecuting
75 authority, the court shall review the response and enter an
76 order on the merits of the petition or set the petition for
77 hearing.

78 (e) Counsel may be appointed to assist the sentenced
79 defendant if the petition proceeds to a hearing and if the court
80 determines that the assistance of counsel is necessary and makes
81 the requisite finding of indigency.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

82 (f) The court shall make the following findings when
83 ruling on the petition:

84 1. Whether the sentenced defendant has shown that the
85 physical evidence that may contain DNA still exists;

86 2. Whether the results of DNA testing of that physical
87 evidence would be admissible at trial and whether there exists
88 reliable proof to establish that the evidence has not been
89 materially altered and would be admissible at a future hearing;
90 and

91 3. Whether there is a reasonable probability that the
92 sentenced defendant would have been acquitted ~~or would have~~
93 ~~received a lesser sentence~~ if the DNA evidence had been admitted
94 at trial.

95 (g) If the court orders DNA testing of the physical
96 evidence, the cost of such testing may be assessed against the
97 sentenced defendant unless he or she is indigent. If the
98 sentenced defendant is indigent, the state shall bear the cost
99 of the DNA testing ordered by the court.

100 (h) Any DNA testing ordered by the court shall be carried
101 out by the Department of Law Enforcement or its designee, as
102 provided in s. 943.3251.

103 (i) The results of the DNA testing ordered by the court
104 shall be provided to the court, the sentenced defendant, and the
105 prosecuting authority.

106 (3) RIGHT TO APPEAL; REHEARING.--

107 (a) An appeal from the court's order on the petition for
108 postsentencing DNA testing may be taken by any adversely
109 affected party.

110 (b) An order denying relief shall include a statement that
111 the sentenced defendant has the right to appeal within 30 days
112 after the order denying relief is entered.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

113 (c) The sentenced defendant may file a motion for
114 rehearing of any order denying relief within 15 days after
115 service of the order denying relief. The time for filing an
116 appeal shall be tolled until an order on the motion for
117 rehearing has been entered.

118 (d) The clerk of the court shall serve on all parties a
119 copy of any order rendered with a certificate of service,
120 including the date of service.

121 (4) PRESERVATION OF EVIDENCE.--

122 (a) Governmental entities that may be in possession of any
123 physical evidence in the case, including, but not limited to,
124 any investigating law enforcement agency, the clerk of the
125 court, the prosecuting authority, or the Department of Law
126 Enforcement shall maintain any physical evidence collected at
127 the time of the crime for which a postsentencing testing of DNA
128 may be requested.

129 ~~(b) Except for a case in which the death penalty is~~
130 ~~imposed, the evidence shall be maintained for at least the~~
131 ~~period of time set forth in subparagraph (1)(b)1. In a case in~~
132 ~~which the death penalty is imposed, the evidence shall be~~
133 ~~maintained for 60 days after execution of the sentence. In all~~
134 ~~other cases, a governmental entity may dispose of the physical~~
135 ~~evidence if the term of the sentence imposed in the case has~~
136 ~~expired and~~

137 ~~(c) A governmental entity may dispose of the physical~~
138 ~~evidence before the expiration of the period of time set forth~~
139 ~~in paragraph (1)(b) if all of the conditions set forth below are~~
140 ~~met.~~

141 ~~1. The governmental entity notifies all of the following~~
142 ~~individuals of its intent to dispose of the evidence: the~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

143 ~~sentenced defendant, any counsel of record, the prosecuting~~
144 ~~authority, and the Attorney General.~~

145 ~~2. The notifying entity does not receive, within 90 days~~
146 ~~after sending the notification, either a copy of a petition for~~
147 ~~postsentencing DNA testing filed pursuant to this section or a~~
148 ~~request that the evidence not be destroyed because the sentenced~~
149 ~~defendant will be filing the petition before the time for filing~~
150 ~~it has expired.~~

151 ~~3. no other provision of law or rule requires that the~~
152 ~~physical evidence be preserved or retained.~~

153 (c) The unavailability or unsuitability of physical
154 evidence for DNA testing provided in this section shall not
155 constitute grounds for a new trial, new sentencing proceeding,
156 withdrawal of a plea or any other relief.

157 Section 2. Section 925.xxx, Florida Statutes, is created
158 to read:

159 925.xxx DNA Testing -- Defendants entering pleas

160 (1) For defendants who have entered a plea of guilty or no
161 contest to a felony on or after July 1, 2006, a defendant may
162 petition for postconviction DNA testing under section 925.11
163 under the following circumstances:

164 (a) The facts on which the petition is predicated were
165 unknown to the petitioner or the petitioner's attorney at the
166 time the plea was entered and could not have been ascertained by
167 the exercise of due diligence, or

168 (b) The physical evidence for which DNA testing is sought
169 was not disclosed to the defense by the state prior to the entry
170 of the plea by the petitioner.

171 (2) For defendants seeking to enter a plea of guilty or no
172 contest to a felony on or after July 1, 2006, the court shall
173 inquire of the defendant and of counsel for the defendant and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

174 the state as to physical evidence containing DNA evidence known
175 to exist that could exonerate the defendant prior to accepting a
176 plea of guilty or no contest. If no physical evidence
177 containing DNA that could exonerate the defendant is known to
178 exist, the court may proceed with consideration of accepting the
179 plea. If physical evidence containing DNA that could exonerate
180 the defendant is known to exist, the court may postpone the
181 proceeding on the defendant's behalf and order DNA testing upon
182 motion of counsel specifying the physical evidence to be tested.

183 (3) It is the intent of the Legislature that the Supreme
184 Court adopt rules of procedure consistent with s.925.xxx for the
185 court, prior to the acceptance of a plea, to make an inquiry
186 into the following matters:

187 (a) Whether counsel for the defense has reviewed the
188 discovery disclosed by the state and whether such discovery
189 included a listing or description of physical items of evidence,

190 (b) Whether the nature of the evidence against the
191 defendant disclosed through discovery has been reviewed with the
192 defendant,

193 (c) Whether the defendant or counsel for the defendant is
194 aware of any physical evidence disclosed by the state for which
195 DNA testing may exonerate the defendant, and

196 (d) Whether the state is aware of any physical evidence for
197 which DNA testing may exonerate the defendant.

198 (4) It is the intent of the Legislature that the
199 postponement of the proceedings by the court on the defendant's
200 behalf under subsection (2) shall constitute an extension
201 attributable to the defendant for purposes of the defendant's
202 right to a speedy trial.

203 Section 3. Rule 3.853, Florida Rules of Criminal Procedure
204 is repealed to the extent it is inconsistent with this act.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Section 4. This act shall take effect upon becoming a law, but section 3 shall take effect only if this act is passed by the affirmative vote of two-thirds of the membership of each house of the Legislature.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to the testing of DNA evidence; amending s. 925.11, F.S.; revising the circumstances under which a person who has been sentenced for committing a felony may petition the court for postsentencing testing of DNA evidence; abolishing certain time limitations imposed upon such testing; authorizing a governmental entity to dispose of physical evidence if the sentence imposed has expired and another law or rule does not require that the evidence be retained; providing that unavailability or unsuitability of evidence for DNA testing is not grounds for a new trial, or other relief, creating section 925.xxx, F.S.,; providing circumstances under which persons entering pleas on or after July 1, 2006 may seek postconviction DNA testing, requiring the court to inquire of certain matters relating to physical evidence containing DNA evidence before accepting plea of guilty or no contest; providing legislative intent for court rules of procedure with respect to DNA testing, providing an effective date and providing for retroactive application.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Whereas, the best interests of justice are served when persons sentenced for crimes they in fact did not commit are given the opportunity to definitively establish their actual innocence through the use of DNA testing, and

Whereas, the best interests of justice are served by discouraging persons accused of crimes they in fact did not commit from entering negotiated pleas in return for the possibility of a lesser sentence when their actual innocence could be definitively established by testing physical evidence containing DNA known to be in the possession of the state or its governmental entities, and

Whereas, it is essential to the administration of justice to maintain the integrity of the criminal justice system and to preserve finality in criminal cases for the sake of crime victims by curtailing the filing of abusive or non-meritorious petitions to seek DNA testing in the future,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1 (for drafter's use only)

Bill No. HJR 631 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED ☒ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: State Administration Council
Representative(s) Sansom offered the following:

Amendment

Remove line(s) 93-108 and insert:

the percentage of the veteran's permanent service connected
disability, as determined by the United States Department of
Veterans Affairs. To qualify for the discount granted by this
subsection, an applicant must submit to the county property
appraiser, by March 1, proof of residency at time of entering
military service, an official letter from the United States
Department of Veterans Affairs stating the percentage of the
veteran's service connected disability and such evidence that
reasonably identifies the disability to be combat related, and a
copy of the veteran's honorable discharge. If the property
appraiser denies the request for a discount, the appraiser must
notify the applicant in writing of the reasons for the denial,
and the veteran may reapply. The Legislature may, by general
law, wave the annual application requirement in subsequent
years. This subsection is self-executing and does not require
implementing legislation.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1a (for drafter's use only)

Bill No. HJR 631 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: State Administration Council
Representative(s) Jordan offered the following:

**Amendment to Amendment (Amend #1 HJR 631 CS Sansom) by
Representative Sansom**

Remove line(s) 20 and insert:
years. This subsection shall take effect December 7, 2006, is
self-executing, and does not require

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 687 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: State Administration Council
Representative Adams offered the following:

Amendment (with directory and title amendments)

Remove line(s) 35-36 and insert:

(c) Upon request by a law enforcement agency in connection with the performance of lawful duties which shall include access to any automated database containing such information maintained by the Department of Agriculture and Consumer Services.

(d) To a commercial entity, provided that the information will only be used to support law enforcement agencies or national homeland security agencies in connection with performance of their lawful duties.

d(2) Any commercial entity that ~~knowingly~~ violates paragraph (d) by releasing concealed weapons permit holder information to an entity other than law enforcement and national homeland security agencies shall be subject to a fine of ~~up to~~ five million dollars enforceable by the Office of the Attorney General, Department of Legal Affairs and payable in equal amounts to the Department of Agriculture and Consumer Services and the Department of Law Enforcement Trust Funds.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 687 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	<input checked="" type="checkbox"/> (Y/N)
OTHER	_____

1 Council/Committee hearing bill: State Administration Council
2 Representative Adams offered the following:

3
4 **Amendment**

5 Remove line(s) 35-36 and insert:

6 (c) Upon request by a law enforcement agency in connection
7 with the performance of lawful duties which shall include access
8 to any automated database containing such information maintained
9 by the Department of Agriculture and Consumer Services.

10 (d) To a commercial entity, provided that the information
11 will be used to support law enforcement agencies or national
12 homeland security agencies in connection with performance of
13 their lawful duties.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1145

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: State Administration Council
Representative(s) Brown offered the following:

Amendment (with title amendment)

Between line(s) 12 and 13 , insert:

Section 2. Section 15.052, Florida Statutes, is created to
read:

15.052 Official state maritime museum.--

(1) The Admiral John H. Fetterman State of Florida
Maritime Museum and Research Center, to be built in the City of
Pensacola, is designated as the official state maritime museum.

(2) This section is repealed July 1, 2015, unless reviewed
and reenacted by the Legislature before that date.

===== T I T L E A M E N D M E N T =====

Remove line(s) 4 and insert:
creating s. 15.052, F.S.; designating the future Admiral Jack
Fetterman State of Florida Maritime Museum and Research Center
in Pensacola as the official state maritime museum; providing

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 for future review and repeal of such designation; providing an
22 effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 7161

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: State Administration Council
2 Representative(s) Rivera offered the following:

3
4 **Amendment**

5 Remove lines 128-129 and insert:

6 a. That the requested record contains proprietary
7 confidential business information and the specific location of
8 such information within the record;